

REMARKS

In the Office Action mailed October 10, 2007 from the United States Patent and Trademark Office, the Examiner rejected claims 1-6, 8-13, and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over European Publication No. 0 484 145 (hereinafter “Kochis”) in view of U.S. Patent No. 6,487,611 to Brusky et al. (hereinafter “Brusky”), rejected claims 7 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Kochis and Brusky and further in view of allegedly admitted prior art, and rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Kochis and Brusky and further in view of U.S. Patent No. 5,937,150 to Phan (hereinafter “Phan”).

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) Additionally, one helpful standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). This standard is particularly helpful in evaluating the first two *Graham* factual enquiries of the scope and content of the prior art and the differences between the prior

art and the claims at issue. Applicant respectfully submits that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein, and therefore the claims are not made obvious by the cited references.

Independent claim 1, as amended, requires: “initiating a fax request at a computer device in communication with the multi-functional peripheral, wherein the fax request is a request to retrieve a fax from the multi-functional peripheral and wherein the computer device includes a print subsystem having a print spooler,” “spooling a fax job corresponding to the fax request through the print subsystem of the computer device,” and “despooling the fax job to a printer port associated with the multi-functional peripheral.” Applicant respectfully submits that such limitations are not taught by the cited references, alone or in combination.

Specifically, none of the cited references, alone or in combination, teaches a fax request that is a request to retrieve a fax from a multi-functional peripheral. Furthermore, none of the cited references, alone or in combination, teaches spooling a fax job corresponding to the fax request to retrieve the fax through the print subsystem of the computer device, or despooling such a fax job to the printer port associated with the multi-functional peripheral.

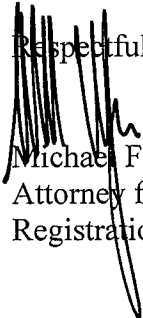
Claims 12 and 17 contain similar limitations to those contained in claim 1 and discussed above. These claims are therefore similarly allowable. Claims 2-11, 13-16, and 18-21 depend from one of claims 1, 12 and 17, and are therefore also allowable. Therefore, for at least the reasons discussed above, Applicant respectfully requests the removal of all rejections under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 4 day of January, 2008.

Respectfully submitted,


Michael F. Krieger
Attorney for Applicant
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893